

[CHAPTER 638.]

AN ACT

August 24, 1935.
[H. R. 5159.]
[Public, No. 317.]

To authorize the Postmaster General to contract for air-mail service in Alaska.

Postal service.
Vol. 43, p. 960; U. S.
C., p. 1744.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 21, 1925 (43 Stat. 960; 39 U. S. C. 488), is amended to read as follows:

Alaska.
Emergency mail
service.

"The Postmaster General may provide difficult or emergency mail service in Alaska, at a total annual cost of not exceeding \$25,000, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor; and he is authorized, in his discretion, to contract, after advertisement in accordance with law, for the carriage of all classes of mail within the Territory of Alaska, by airplane, payment therefor to be made from the appropriation for star-route service in Alaska."

Air mail, for all
classes, authorized.

Appropriation avail-
able.

Approved, August 24, 1935.

[CHAPTER 639.]

AN ACT

August 24, 1935.
[H. R. 5711.]
[Public, No. 318.]

To provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor.

District of Columbia.
Care of needy blind,
authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Commissioners of the District of Columbia (hereinafter called the "Board") is hereby authorized and directed to enforce the provisions of this Act for the purpose of maintaining, supporting, and caring for needy blind persons who are residents of the said District of Columbia, citizens of the United States, and not inmates of any institution supported in whole or in part by the Federal or District Governments, and said Board shall have the power to make and enforce all proper rules and regulations therefor, including the definitions of "blindness" and of "needy individuals" and the power to make and require any reports required by the Federal Social Security Board or otherwise authorized or required by law. The said Board may entrust the carrying out of the provisions of this Act, or any of them, to any agency of the Government of the District of Columbia which said Board may designate.

Qualifications.

Powers of Commis-
sioners.

Ante, p. 620.

"Needy blind per-
son" defined.

SEC. 2. As used in this Act, the term "needy blind person" shall be construed to mean any person who by reason of the loss or impairment of eyesight is of such condition that he cannot be rehabilitated for self-support through the facilities offered by the Vocational Rehabilitation Service for the District of Columbia, United States Office of Education, and who is unable to provide himself with the necessities of life and who has not sufficient means of his own to maintain himself and who is otherwise qualified as further set forth in this Act, and nothing in this Act shall prevent any blind person in sound mental and physical condition who is an inmate of an institution for the care of the indigent from applying for the benefits under this Act on the condition that they leave such institution upon the granting of such relief.

Age and residence re-
quirements.

Proviso.
When blindness
originating while not a
resident.

SEC. 3. In order that any person who shall have become blind while a resident of the District of Columbia may be entitled to aid under the provisions of this Act such person must be at least sixteen years of age and a resident of the District of Columbia for one year next preceding his application for aid hereunder: *Provided*, That in order that any person whose blindness originated while he was not a resident

of the District of Columbia may be entitled to aid hereunder, such person must be at least twenty-one years of age and must have been a bona fide resident of the District of Columbia for a period of five years during the nine years immediately preceding the filing of his application for aid hereunder and must have resided in the District of Columbia continuously for at least one year immediately preceding the date of the application: *And provided further*, That nothing in this Act shall be construed to repeal or render void, so far as blind persons are concerned, any existing statutes which create or define a liability on the part of certain persons to support and provide for poor relatives.

Liability of certain persons to provide for poor relatives not affected.

SEC. 4. To receive aid under this Act, the applicant shall file his application with the Board or its designated agency, accompanied by an affidavit signed by himself stating his age, sex, places of residence during the period stipulated in the District of Columbia, his financial resources, and incomes, the name and address of his next of kin, degree of blindness, how long blind, what employment he has had, his general physical condition, and such other information as the Board or its designated agency may designate.

Filing, etc., applications.

SEC. 5. No aid shall be granted hereunder until the Board or its designated agency is satisfied from the evidence of at least two reputable citizens of the District of Columbia that they know the applicant has the residential qualifications to entitle him to the aid asked for, and from the evidence of a duly licensed and practicing oculist whose duty it shall be to describe the condition of the applicant's eyes and to testify to his blindness, which evidence shall be in writing subscribed to by such witnesses, subject to the right of cross-examination by either the Board or its designated agency; and if the Board or its designated agency is satisfied by such testimony that the applicant is entitled to aid hereunder, it shall, without delay, allow such sum as it finds needed: *Provided*, That no aid shall be furnished any individual with respect to any period with respect to which he is receiving old-age assistance: *Provided further*, That in the case of a blind dependent child living with its parents or parent such aid shall not exceed \$30 per month: *And provided further*, That any agency designated by the Board hereunder shall transmit to the Board a record of its actions in granting or refusing to grant aid to each blind applicant, and any blind applicant who is dissatisfied with the finding of such agency regarding his application for aid, may appeal to the Board who shall grant such applicant a full hearing, after reasonable notice, and shall then consider the application; and, if a majority of the Board in attendance at a meeting at which a quorum is present shall find that the applicant is entitled to aid under the provisions of this Act, they shall then and there award such aid as they deem proper.

Investigation and examination as to applicant's qualifications.

Proviso.
Persons receiving old-age assistance.
Blind dependent child.

Reports and appeals.

SEC. 6. The Board or its designated agency shall investigate annually, or oftener, the qualifications of blind persons who receive aid hereunder, and may increase or decrease the allowance within the limits prescribed by this Act; or if said designated agency is satisfied that any person receiving aid under this Act is not entitled to such aid, it shall discontinue such aid and shall forthwith notify such person and the Board of such action: *Provided, however*, That the person receiving such aid may take an appeal to the Board from such action as if it were an original application for aid: *And provided further*, That such an appeal must be filed within sixty days from the notification by the designated agency to the beneficiary hereunder of the intended reduction or discontinuance of aid. If any such appeal be filed, the said aid shall be restored pending the findings of the Board on said appeal.

Annual investigation to determine eligibility, etc.

Discontinuance if not entitled.

Proviso.
Appeal allowed.

Date of filing.

Restoration, pending Board's findings.

Ineligibility of person who publicly solicits alms.

SEC. 7. No person shall be eligible to receive aid under the provisions of this Act who, after receiving said aid publicly solicits alms in any manner, either by wearing, carrying, or exhibiting signs denoting blindness for the securing of alms, or by any signs calling attention to blindness exhibited on wares and merchandise, or the carrying of receptacles for the purpose of securing alms, or the doing of the same by proxy, or by stationary or house-to-house begging, or any other means of publicly securing aid.

Removals as affecting entitlement to receive benefits.

SEC. 8. Any person qualifying for and receiving aid hereunder who removes himself from the jurisdiction of the District of Columbia and thereby ceases to be a resident, shall no longer be entitled to the benefits and aid under the provisions of this Act. Absence for a reasonable length of time, as designated by the Board, shall not work a forfeiture hereunder.

Persons to whom benefits denied.

SEC. 9. The benefits hereof shall not be granted to any person between the ages of sixteen and fifty-five years who, having no occupation and being both physically and mentally capable of some useful occupation, or of receiving vocational or other training, refuses for any reason to engage in such useful occupation, or refuses to avail himself of such vocational or other training: *Provided*, That no person shall be entitled to the benefits of this Act who shall refuse to submit to any treatment or operation for blindness when such treatment or operation is recommended by three examining oculists and approved by the Board or its designated agency.

Proviso.
Refusing surgical, etc., treatments.

Persons ineligible to benefits.

SEC. 10. No person shall be eligible to the benefits of this Act who shall hereafter either intentionally deprive himself of his eyesight or assist in the destruction thereof by others; or hereafter shall lose his eyesight during the perpetration of a criminal offense; or shall hereafter lose his eyesight by reason of vicious habits.

Obligation of kindred.

SEC. 11. The kindred of any persons otherwise entitled to aid under the provisions of this Act, in line and degree of spouse, father, child, or grandchild living in the District of Columbia and of sufficient ability so to do shall be bound to support such person, in the order above named and in proportion to their respective ability. If at any time during the continuance of aid the Board of Commissioners or its designated agency has reason to believe that a spouse, father, child, or grandchild is reasonably able to assist him, it shall be empowered to bring suit, after notifying such person of the amount of such aid, against such spouse, father, child, or grandchild to recover the amount of such aid provided under this Act, or such part thereof as such spouse, father, child, or grandchild was reasonably able to pay.

Estate of recipient, etc.
Aid received to be a preferred claim against.

SEC. 12. At the death of a recipient of aid under this Act, or of the last survivor of a married couple either one of whom have received aid, the total amount of aid since the first grant, together with simple interest at the rate of 3 per centum per annum, shall be deducted and allowed by the proper courts out of the proceeds of his property as a preferred claim against the estate of the person so assisted, and refunded to the Treasurer of the United States to the credit of the District of Columbia, leaving the balance for distribution among the lawful heirs in accordance with law: *Provided*, That upon sufficient cause, such as mismanagement, failure to keep in repair, or the inability of any recipient of aid properly to manage his property, the designated agency of the Board may demand the assignment or transfer of such property, or a proper part thereof, upon the first grant of such aid, or at any time thereafter that it deems advisable for the purpose of safeguarding the interest of an applicant or for the protection of the funds of the District of Colum-

Proviso.
Conservation of property, etc.

bia. Such agency shall establish such rules and regulations regarding the care, management, transfer, and sale of such property as it deems advisable and shall provide for the return of the balance of the claimant's property into his hands whenever the assistance is withdrawn or the claimant ceases to request it.

Rules.

SEC. 13. Any person who attempts to obtain, or obtains, by false representation, fraud, or deceit, any allowance under this Act, or who receives any allowance knowing it to have been fraudulently obtained, or who aids or assists any person in obtaining or attempting to obtain an allowance by fraud, shall upon conviction in the police court of the District of Columbia be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both such fine and imprisonment.

False representations, etc.

SEC. 14. In order to carry out the provisions of this Act there is authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$75,000, payable from the revenues of the District of Columbia, and for the fiscal year ending June 30, 1937, and annually thereafter, the Commissioners of the District of Columbia shall include in the estimate of appropriations for said District of Columbia, such an amount as may be necessary for this purpose; and the Board shall assign such personnel in the employ of the District of Columbia as may be necessary to administer this Act; and said Board or its designated agency shall keep and render separate account of the funds expended and separate statistical reports of the persons aided, under the provisions of this Act: *Provided*, That whenever necessary said Board shall appoint an acceptable member of the personnel to stand in loco parentis to any minor qualifying for aid hereunder.

Appropriation authorized.
Post, pp. 1115, 1881.

Personal services.

SEC. 15. The Board of Commissioners or its designated agency is hereby authorized and directed to cooperate in all necessary respects with the Social Security Board of the United States Government in the administration of this Act, and to accept any sums allotted or apportioned by such Board as are available under the provisions of the Social Security Act.

Proviso.
Appointment of member to stand in loco parentis to minor.

Federal Social Security Board.
Cooperation with.

SEC. 16. The provisions of this Act are to be liberally construed to effect its objects and purposes, and if any section, subsection, or subdivision of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Interpretation and separability provision.

Approved, August 24, 1935.

[CHAPTER 640.]

AN ACT

To amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want.

August 24, 1935.
[H. R. 6623.]
[Public, No. 319.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the care and assistance of aged persons who are in need and whose physical or other condition or disabilities seem to render permanent their inability to provide properly for themselves is hereby declared to be a special matter of public concern and a necessity in promoting the public health and welfare. To provide such care and assistance at public expense a system of old-age assistance is hereby established for the District of Columbia. The terms "assistance" whenever used in this Act shall be construed to include relief, aid, care, or support. The pronoun "he" or "his" when used herein shall be construed to include persons of either sex.

District of Columbia.
Old-age assistance.

Establishment of system.

"Assistance" construed.